19 22

O.F. 66 (c)—14,824—17-12-21.

Department of Land Revenue & Settlement

OFFICE Board of Revenue

STATION Madras

No. Mis 2399

A 4952/22

Dated 2.12.22

V.E. Srinivasa Ayyar

	Date	Initial.
Given for copying	3-30	
Copied		
Examined		
Signed	5-30	
Given for despatch	5.30 P.M.	
Despatched	Process sent 2-12-22	
Indexed	Receipt sent 2-12-22 by Regd. post	
To be destroyed on		

To whom sent

Pages in the file

(SUBJECT.)

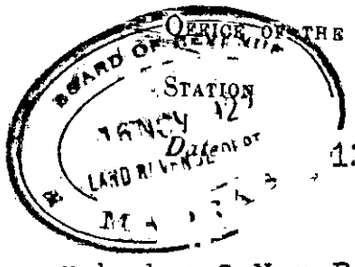
Suits (S. Kanara) Puthya St. Munsiff - O.S. No. 580/22
Shivalli Temple - Jasdik Allowance - Defence
Sanctioned

* Not to be filled in the case of permanent records.

A 4952

G.F. 36 1 20

Ref No. V-3 5627-22-



Collector of S-Kanara
Mangalore
12th November 1922.

From

M.R.Ry. Rao Bahadur S.N.V.Rajachar, Avl., B.A.,
Collector of South Kanara.

To

The Secretary to the Board,
Land Revenue and Settlement,
Madras.

Sir,

Suits - Puttur - District Munsiff's Court - O.S.No.1922-580.

One Ramanna Shegrithaya and 2 others have filed the above suit against Government. The plaintiffs Nos. 1 and 2 are the Shivalli Temple Committee members of the Uppinangady Taluk and the plaintiff No.3 is the moktessor appointed by them in about 1904 to the plaint temple, -- Shri Chenna Keshava Dev of Sullia. The plaint recites that the tasdik of the plaint temple which is under the control of the shivalli temple committee was being regularly paid to the plaintiff No.3 till 1917, but that from 1918 it was ordered by the Collector, on a misleading report of the then Tahsildar, Mr. H.Shanker Rao, -- that it should be disbursed only on a joint receipt of the plaintiff No.3 and one Navur Narnappaya, the moktessor appointed by an alien committee calling themselves Shiva Brahmin committee. It is accordingly prayed in the plaint that Navur Narnappaya's name may be ordered to be omitted from the tasdik register and that the 1st defendant(Government) may be ordered to pay plaintiffs Rs 911-15-10 being the amount of tasdik at the rate of Rs 160/- per year kept in deposit from 1-4-1918 together with interest thereon at 6 per cent per annum-- please see trnaslation of the plaint enclosed.

2. It is true that the plaintiff No.3 was alone - receiving tasdik from the date of his appointment as --- Moktessor till 1911. In that year, Navur Narnappaya put in a petition to the Divisional Officer, Puttur, stating that he had been appointed as a moktessor by the Shiva - Brahmin Committee and praying that the tasdik might ---- either be paid to him and the 3rd plaintiff jointly, or the same kept in deposit until he established his right as a moktessor in a civil court. On this the Tahsildar reported that, as the Shiva Brahmin Committee seemed, -- according to the register kept in the Taluk Office, to have had no control over the institution in question, the -- tasdik could not be paid to the petitioner or held in -- deposit, unless and until he produced an injunction from a Civil Court. The Divisional Officer accepted the --- Tahsildar's remarks and the petitioner was informed accordingly by an endorsement dated 4-5-1912 and the plaintiff No.3 -- continued to receive the tasdik.

3. In 1914, the Shiva Brahmin Committee intimated to the Tahsildar that they had appointed Navur Narnappaya and one Ajjavar Srinivasa Rao as moktessors of the temple in question and requested that their names might be entered in the register, The Tahsildar, Mr. D.Ananda Rao replied that their names were entered in the Taluk Account No.10. Even after this, the tasdik was paid to the 3rd plaintiff alone, until 1917. In 1917, the Revenue Inspector of Sullia reported that the Annual Car Festival was not performed, and thereupon, the Tahsildar served notices on the 3rd plaintiff and also the two moktessors appointed by the Shiva Brahmin Committee requiring them to perform the festival within a year from the date of the service of the notice. The 3rd plaintiff put in a objection petition stating that it was not usual to celebrate the Car Festival, the car --- having been constructed only a few years ago and that it was also not possible to perform it, as Navur Narnappaya, who had possession of it refused to deliver it to him. He also objected to the recognition of Narnappaya as a

Moktessor, as he was not appointed by the Shivalli Committee. The Tahsildar, Mr. Shanker Rao, held an enquiry into the matter and found that the car had been constructed by Narnappaya and that the temple jewels were also in his custody. During the enquiry he came across a report sent by the Shivalli Committee to the Tahsildar in 1899, in which the shivalli committee said that, as Dasappaya, father of Navur Narnappaya, who had, by virtue of hereditory right, obtained as Managing moktessor, a sanad granted to him on 14-4-99 by the Shiva Brahmin Committee, was performing the ceremonies, he might be paid the tasdik held in deposit since 1896 owing to the non-existence of a moktessor appointed by the Shivalli Committee and also the future tasdik and that, if it was objectionable to pay it to a single person, the amount already in deposit might be paid to Dasappaya and the future payments to Dasappaya and the moktessor appointed by the Shivalli Committee. He also found from the tasdik receipt file maintained in his office that the tasdik was disbursed jointly to the moktessors appointed by the Shivalli and Shiva Brahmin Committees till 1901. The Tahsildar also reported that it was not paid to two moktessors after that date, as Dasappaya died the next year, and the Shiva Brahmin Committee did not appoint a successor to him, and requested the Collector's orders whether the tasdik might be paid jointly to the 3rd plaintiff and Navur Narnappaya. My predecessor, Mr. Ellis, accepted the Tahsildar's proposal to pay the tasdik jointly to the 3rd plaintiff and Narnappaya in his order D Dis No. 1878/27-6-18.

4. Against this order, the 3rd plaintiff filed a review petition before Mr. Ellis in the beginning of 1920, but Mr. Ellis declined to reconsider the order already passed.

5. In September 1921, the 1st two plaintiffs ---

along with another, Perji Krishna Bhatta, as the Shivalli Committee memebers, sent a notice threatening to sue -- Govt. (R) Vol. 21 Government, unless Mr. Ellis's order of 1918 was cancelled. While submitting his report on this suit notice, the Tahsildar sent two registers of his office. The latest of these is of 1909 and it shows that the temple in question is under the jurisdiction of the Shivalli Committee, but it is not signed by any officer and hence useless as -- evidence. The other register submitted by the Tahsildar is the oldest one, being of 1859. It, being a regsiter prepared long before the passing of the religious endowments Act XX of 1863, does not show the names of religious committees. It, however, shows that three out of the seven moktessors then existing belonged to the Shiva Brahmin community, that the institution belongs to all Hindus, and that the persons entitled to appoint ---- moktessors shewn therein (column 12) belonged to different sects and communities including the Shiva Brahmin sect. There are two registers prepared subsequent to the passing of the Act, viz., (1) register of inams prepared in 1869 and signed by the Inam Commissioner and (2) Register of 1878 submitted by the Tahsildar to this office in -- that year. The first register shows the names of 7 --- moktessors existing in 1869, of whom 3 belonged to the Shiva Brahmin Community. The 2nd register shows that the temple in question is under the control of the ---- shivalli Committee. This 2nd register was reported to the Board in 1912 by the then Collector, Mr. Moscardi, to be un-authoritative and not of any evidentiary value vide para 4 of this office report R.O.C.899-Rev.24.5.1912 disposed of in B.P.2006 Mis L.R./1.6.12. - The Tahsildar's above report, however, showed that, not only the shivalli committee had admitted in 1899 the right of Narnappaya's father Dasappaya to receive the tasdik, but that the 3rd plaintiff also in 1908 entered into an agreement with - Narnappaya agreeing that the latter, though not a moktessor was administering the affairs of the temple, and stipulating that the tasdik was to be received by both jointly.

The records also showed that the tasdik was actually received in 1884 by Narnappaya's paternal uncle, Ramakrishnaya, and in 1901 jointly by Dasappaya and a moktessor appointed by the Shivalli Committee. Further, it appeared that the car and the temple jewels were in the possession of Navur Narnappaya. All these facts led my predecessor to believe that both the committees had control over the institution. He, accordingly, recorded the suit notice. Hence the suit.

6. The Government Pleader, Mangalore, whom I have consulted, is of opinion that, though there is some evidence on record against the exclusive right set by the plaintiffs it looks very doubtful, if the Shiva Committee has any right to interfere in the management of the temple. He, however, suggests that it is best that the court decides the point once for all one way or the other. I think that excepting the register of 1878, the plaintiffs have no evidence in support of their case. I request the Board's orders --- whether the suit should be defended. In this connection, I may mention that this case is similar to the one referred to in Mr. Moscardi's letter Ref on C.No.899/Rev.12 to the Board of Revenue quoted above, in that the institutions in both the cases are shown to be under the control of the shivalli committee in the register of 1878, and the moktessor appointed by the Shiva Committee drew the tasdik till 1901. The onl, difference is that, whereas the title of the Shiva Committee in the case of 1912 was not admitted their claim in the present case has been recognised. It was reported to the Board that the case of 1912 could not be defended successfully and the Board, in its proceedings No.2006, Mis., dated 1.6.1912, sanctioned the compromise of the suit. A similar compromise seems to be out of the question in this case, as the Shiva --- committee is not likely to consent to waive their claim over the temple.

7. The institution in question falls under section 3 of Act XX of 1863 and is governed by the provisions of sections 7,8,9 & 10 so far as the constitution of the temple committees is concerned. Under section 7, the Government published a notification dated 1-12-63 appointing temple committees foreach taluk as required by section 7, and for each sect as contemplated by section 8. In this notification, it is not specified which temples are under the control of which committees. It only says that the shivalli committee is appointed for all shivalli religious institutions and the Stanik or Shiva Brahmin-- Committee for all Stanik religious institutions. The -- past history of the temple in question, as detailed above, shows that it is managed by both the communities, and hence both the committees are entitled to exercise control over it under the above notification. Besides, it has been held by the High Court of Madras in 9 Madras. Law Journal - page 173, that the word "religion" in section 8 of Act XX of 1863 does not mean 'Sect'. As the local Government - Pleader says that the point involved in this case is--- doubtful, I request that the opinion of the Government Law Officers at Madras may be obtained.

8. In case it is decided to defend the suit, I propose to file in court the following records as --- evidence on our behalf.

(1) Register prepared in 1859 showing the names of moktessors to the several religious institutions. This shows that the institution in question belonged to all sects of the Hindu religion.

(2) Extracts from the Inam register prepared in 1869 showing the tasdiks and allowances disbursed to the religious institutions. This also shows that the institution in question had moktessors of both sects and also a bunt moktessor.

(3) Report No.7 dated 2-9-73 submitted by the - Shiva Committee intimating the grant of sanad by them to Ramakrishnaya.

(4) Certified copy of the receipt granted by --- Ramakrishnaya ir 1884 in acknowledgment of the receipt - of the tasdik by him. (This is with Navur Narnappaya, who may be summoned to produce it.)

(5) Certified copy of the report sent by the --- Shivalli Committee in 1899 (this is also with Narnappaya)

(6) The petition presented on 20-11-99 by Dasappaya to the Shivalli Committe with the endorsement No.10, dated 1-12-99 given by the latter. (This is with Narnappaya)

(7) Receipt file of 1901 to show the payment in -- 1901 to the moktessors appointed by both the committees.

(8) Agreement of 1908 between the 3rd plaintiff -- and Narnappaya.

P13 A.

9. The draft written statement prepared by the vakil usually employed on behalf of Government at Puttur and approved by the Government Pleader, Mangalore is --- enclosed for the Board's approval. The copy of the plaint dated 21.8.1922 was served upon my predecessor on 8-9-22 and the case stands posted for hearing on 12-12-22.

Sent by Regd Book, Separately.

10. All the connected records are submitted as --- per list.

Collector.
13.11.

13.11.22

8

List of records submitted to the Board with the Collector's letter Ref on No. V-3-5627-22, dated 12-11-1922.

---

1. Translation of plaint.
2. Copy of written statement.
3. Copy of Government Pleader's letter. dated 21.10.22
4. Extract from the Tasdik Register of 1909.
5. Extract from the list of 1859.
6. Extract from the Inam register of 1869.
7. Extract from the register of 1878.
8. Extract from the supplement to the South Kanara District Gazette dated 6-2-64.
9. Dis file ~~97-R/Rev.18 dated 30-7-18~~ 539 D/Rev 12 dated 3.5.12, of the Uppinangady Taluk Office.
10. Dis file 97-R/Rev.18 dated 30-7-18 of the Uppinangadi Taluk office.
11. Dis file 1878-D/Rev18 dated 27-6-18 of the Collector's office.
12. Dis file 887-D/Rev.20 dated 31-3-20 of the Collector's office.
13. Dis file 6305-21-D dated 26-5-1912 of the Collr's office.

South Kanara Collector's Office,
Mangalore, 13th November 1922.

~~For~~ Collector.

13.11.22

Letter-from A. J. Lobo, Esq., B.A., B.L., Government Pleader, Mangalore.
To-the Collector of South Kanara.
Dated-Mangalore, 21st October 1922.
No.-L.No.289/22.

Reference: O.S.No.580 of 1922 on the file of the ---- District Munsiff, Puttur (Ramanna Shegrithaya - Plaintiff).

The draft written statement prepared by the Vakil at - Puttur, being in order, may be adopted. On the merits, after perusing the records sent, it looks to me very doubtful if -- the Shiva Committee has any right to interfere in the management of the Chenna Keshava Temple. I admit there is some -- evidence on record against the exclusive right set up by the Plaintiffs that the said Temple belongs solely to themselves. At the same time there is a mass of other evidence from which a strong presumption arises that the Shiva Committee has no -- right whatsoever to get the Tasdik. The whole matter appears to me to be involved in serious doubt and it is best that the court decides this point once for all one way or other.

2. The enclosures are herewith returned.

In the Court of the District Munsiff, Puttur.

O.S.No.580/1922.

1. Ramanna Shegrithaya, son of Krishna Shegrithaya, Uppinangadi Taluk, Aletti village.

2. Kukkala Anantha Bhatta, son of Dasa Bhatta, Uppinangadi Taluk, Kukkala village.

3. Parameshwara Kalluraya, son of Narayana Kalluraya, Uppinangadi Taluk, Sullia Casba Village.

1st & 2nd Plaintiffs are members of the Shivalli Temple Committee, Uppinangadi Taluk. The 3rd Plaintiff is the Moktessor of Sullia Shri Chenna Keshava Dev who has obtained a Sanad of appointment from the said Committee.

) Plaintiffs

1. The Secretary of State for India in Council, through the Collector of South Kanara.
2. Krishna Panganaya, son of Purushothum Bhatta, Kamakunja V. } Defendants.

Plaint filed by the Plaintiffs under Order 26 of the C.P.C.

1. The institution of Shri Chenna Keshava Dev at ----- Sullia, Uppinangadi Taluk (title deed No.6) is one of the --- institutions which are subject to the control of the members of the Shivalli Temple Committee of Uppinangadi Taluk. The Plaintiffs Nos.1 & 2 and the Defendant No.2 are members of the said Committee. The 3rd Plaintiff is the Moktessor appointed to the said temple by the said Committee members and holds a sanadfrom them. This fact appears from the records of the 1st Defendant i.e., from the revenue records of Government.

2. The members of the Shivalli Temple Committee appoint Moktessors to the institutions under their control, give ----- sanads to them and report the fact to the Revenue Officers, -- who, on the strength of the said reports enter the names of -- such Moktessors holding sanads in the concerned accounts and - disburse to them the tasdik of those institutions. But the - Revenue Authorities have no power either to enter in their --- Accounts the names of any other Moktessors or to pay them the Tasdik, as they please.

3. The Tasdik of the said Shri Chenna Keshava Temple up to 1917 has been paid by the Revenue Authorities without any - objection to the 3rd Plaintiff, the Moktessor who has obtained a sanad from the Shivalli Committee members. As the 1st ---- Defendant has made it impossible for the 3rd Plaintiff to ---- receive the Tasdik from 1918, this suit has been filed so that the 3rd Plaintiff might receive the Tasdik from such date at - Rs.160/- a year with interest thereon.

4. In 1917 M.R.Ry. Hattangady Shankara Rau, the then -- Tahsildar having forced an entry into one of the Shivalli Temples viz., Shri Subramania Temple, in opposition to the established

usages of it, the Moktessor of it complained to the Collector who has passed an order declaring the said Tahsildar's order to be wrong. In order to avenge himself for this on the --- Shivalli Caste, the Tahsildar made a false report to the ---- Collector so that the 3rd Plaintiff alone may not get the --- Tasdik of the Sullia Shri Chenna Keshava Dev and the -------- Plaintiffs received an endorsement on 30th July 1918 from the then Tahsildar to the effect that the Collector has ordered - that the Tasdik of the said Sullia Chenna Keshava Dev should be paid on the joint receipt of the 3rd Plaintiff and Navur - Narnappaya.

5. The cause of this wrong order is nothing but the -- private enmity of the said Shankara Rau. Neither has Navur Narnappaya received a sanad from the Shivalli Temple -------- Committee members nor have they given their consent to the -- Revenue Authorities to enter the name of Narnappaya in the -- Revenue Accounts nor have they submitted a report to that --- effect. It does not appear when the name of Narnappaya was entered in the Accounts. The Revenue Authorities have no -- power to so enter according to their pleasure.

6. Besides, before this, when the said Narnappaya's -- father, Dasappaya having got a sanad from a different ------- Committee, attempted in 1896 to get the Tasdik of Shri Chenna Keshava Dev, the Shivalli Committee members were, by an ----- endorsement No.40/99, informed of the Huzur Order No.1271/96 that it was impossible to accept his application until the -- Shivalli Committee members agreed. In these circumstances - the order not to pay the Tasdik to the 3rd Plaintiff is all - the more greater.

7. As the 2nd Defendant's application resigning his -- membership which has been received, is pending disposal, he - has been added as a Defendant.

8. An acknowledgment dated 3rd December 1921 of the -- registered notice regarding this suit has been received from the Collector of South Kanara.

9. The cause of action for this suit has arisen in --- Sullia Casba since 1st April 1918.

10. The value of this suit is Rs.916-15-10.

11. Therefore

(A) An injunction should be issued to the 1st Defendant to expunge the name of Navur Narnappaya from the Revenue Accounts relating to the Sullia Shri Cehnna Keshava Dev of Uppinangadi Taluk i.e., institution relating to title deed No.6		5- 0- 0
(B)(1) Tasdik due on 1st April 1918 in respect of the said institution - Rs.160-0-0. Interest on it at 6% till this date Rs.42-6-4 - Total Rs.202-6-4.		
(2) Tasdik due on 1-4-19 -Rs.160- 0-0		
Interest 31-12-9	191-12-9	
(3) Tasdik due on 1-4-20 -Rs.160- 0-0		
Interest 22- 3-2	182- 3-2	911-15-10
(4) Tasdik due on 1-4-21 -Rs.160- 0-0		
Interest 12- 9-7	172- 9-7	
(5) Tasdik due on 1-4-22 -Rs.160- 0-0		
Interest 3- 0-0	163- 0-0	
Total Rs.911-15-10		
		916-15-10

The Plaintiffs pray for a decree and judgment directing the 1st Defendant to pay to the 3rd Plaintiff this amount as well as future interest, court costs with interest.

The original plaint has been verified. It also bears the --- signatures of the Plaintiffs and Vakil B. Venkata Krishna Rau. Dated 21st August 1922. Original plaint filed on 28th ------ August 1922.

/True Copy/

(sd).

Pleader for Plf.

True Translation.

for Collector.

14.11.32

B

In the District Munsiff's Court of Puttur.

O.S.No.580 of 1922.

Between

Ramanna Shegrithaya & others — Plaintiffs

and

The Secretary of State for India in Council and another — Defendants.

The written statement of the 1st Defendant, the ------ Secretary of State for India in Council, under Rule I ------- Order viii of the Civil Procedure Code.

The above named 1st Defendant states as follows:-

1. The Plaintiffs' suit is unjust and is not sustainable at law.

2. This Defendant denies that the plaint mentioned --- temple is within the exclusive jurisdiction of the Shivalli - Committee and that the Tasdik allowance due to the temple was disbursed to the 3rd Plaintiff alone till 1917. The 3rd --- Plaintiff alone is not, at all, entitled to recover the plaint Tasdik allowance.

3. The plaint-mentioned institution is one in which -- all the different sects of the Hindu religion are interested and is, as such, under the control of the several Temple ---- Committees concerned. But as only the Shivalli and the ---- Shiva Committees appear to have deemed fit to exercise ------ jurisdiction over the temple and to appoint Moktessors for it, the Tasdik was always paid jointly to such Moktessors so long as they were in existence and their claims were brought to -- the notice of the Revenue Department. This Defendant admits, however, that it had been sometimes disbursed to a single --- managing Moktessor appointed by one of the Committees when -- the vacancy in the other Moktessorship had not been filled up by the concerned Committee or the nomination by it had not -- been reported to the Revenue Department. As the Moktessors appointed by the Shiva Committees have been in existence ---- since 1918, but as they and the 3rd Plaintiff could not come

to an agreement about the disbursement of the Tasdik, the plaint amount had to remain undisbursed since then. The Collector's order referred to in para 4 of the plaint is a just and equitable one and is in conformity with the Rules on the subject, and the Plaintiffs are not at all entitled to question its propriety.

4. The suit is bad for non-joinder of the Moktessors nominated by the Shiva Committee as parties.

5. The Plaintiffs' claim for the first two years' Tasdik allowance is barred by the Law of Limitation.

6. The Plaintiffs are also not entitled to the ------ interest claimed.

7. This Defendant also denies all the other allegations in the plaint which are not expressly admitted herein and puts the Plaintiffs to strict proof of them.

8. This Defendant therefore prays that the Plaintiffs' suit be dismissed with costs.

Date

For Collector.

Statement showing the tasdiks and allowances disbursed to the several Institutions and assignments of land proposed to be made in lieu thereof, in the District of South Kanara.

* * *

No. 6

Name of the Instituion:- Sulia Chenna Keshava Deva.

Names of moktessors or trustees.

1. Subraya.
2. Ajavar Shivanna.
3. Parameshwarayya.
4. Kurayanji Shivanna.
5. Menal Manjanna Banta (deceased)
6. Govinda Bhatta.
7. Lakshiminarayna.

Annual amount of tasdik:- Rs 160-0-0

Additional allowance at 10%.- 16-0-0

Total.- 176-0-0

Description of land proposed to be assigned in lieu of the tasdik.

Magane.- Sulia.

Village.- Ajavar Menal.

No of Chitta & Name of warg:- 12 Kadlapadi Sannappana Kunya.

16. Nalakara Kunhanna Sankappaya

26. Bainthabettu Padmana Sannappa.

G.2 Angada Virana Warg Sagu Timmaiya.

Tarao Beriz.	66-12-5
	100- 9-7
	7- 4-5
	1- 5-2
	175-15-7

* * *

South Kanara Collector's Office,
Mangalore, 5th M a y 1869.

Sd A.S.Thomas
Acting Collector

Religious and Charitable Inams are -- confirmed.

Sd. D.Arbuthnott
3rd August 1875 Incometax Commissioner

True Copy

For Collector

List of Religious institutions under the control of Temple Committees appointed in 1863 - Uppinangadi Taluk.

Name of Committee.	Shivalli.
Magane.	Sullia.
No.	97
Name of Institution.	Sullia Chenna Keshava Dev.
Tasdik.	175-15-7

Dated 9th December 1878: Sd/ D. Ananthaya, Tahsildar.

Tasdik Register of Uppinangadi Taluk (1909).

Serial No.	257
No.of the institution.	6
Name of the institution.	Sullia Chenna Keshava Dev.
Order under which the allowance was admitted.	------
Name of the Committee to which it is subject.	Shivalli.
Whether under Beriz deduction system or remission of Land Revenue system.	B. D. system.
Name of the trustee.	1. Navur Narnappaya. 2. Ajjavar Srinivasa Rau. 3. Parameshwara Kalluraya. 4. Kuruvanji Shivanna.
Name of the village in which the institution is situated.	------
Name of the village from which the allowance is paid.	130 Sullia Casba.

Amount of the allowance.	160/-
Whether tasdik is held in deposit. If so from which fasli & why.	Deposit.
Whether struck off the Register & if so the No. & date of the order under which it was struck off.	------
Number & date of the order under which the institution was re-admitted.	------
Remarks.	

Uppinangadi Taluk office, Puttur,
Dated

List prepared in Fasli 1269 (1859) showing the religious institutions having Moktessors and receiving Tasdik from Government.

Serial No.		7
Magane		Sullia
Village		Kanatila Kayarkodi.
Names of temples &c.		Chenna Keshava Dev.
Amount of tasdik.		160/-
To whom it belongs.	Province Village Koma(congregation) Family	Sullia Ajjavar Kanatila To all Hindus ------
Names of Moktessors.		1. Subraya 2. Ajjavar Shivanna 3. Ramaya (deceased) 4. Shivanna 5. Vishnu (deceased) 6. Govinda Bhatta 7. Lakshinarayana.
Why appointed.		Because they received tasdik and performed ceremonies.

Names of persons entitled to appoint Moktessors in place of the deceased.	1. Ajjavar Shivannaya 1. Koremule Subraya 1. Baipaditaya Narayana 1. Sulliakodi Bomana 1. Kadapadi Annu Gowda 1. Sullia Lakshminarayana 1. Somarsa Krishnaya 1. Menala Ramanna Banta 1. Kedambadi Subba.
Particulars showing how each of them got this power.	Because all these looked after the management together. Shivanna, Lakshmi-narayana & Keremule Subraya had every day ceremonies panchaparvas performed. The other 6 were present at ------ festivals, repaired the institutions from their own pockets, etc. and -- were votaries from time immemorial.

In this list some headings such as province, family have been left blank. In the case of insignificant temples which belonged to particular villages and families, these columns --- only have been filled up and the rest left blank.

27th august 1270 F. (od) (in Hindavi)

/True Copy/

For Collector.

19

Supplement to the South Kanara Gazette dated 6th February '64.

Notification.

Fort St. George December 1, 1863.

Under Section VII, Act XX of 1863, the Honourable the Governor in Council hereby appoints the following persons to be Committees to take the place and exercise the powers of the Board of Revenue and the Local Agents, under Regulation VII of 1817 of the Madras Code, in respect to Religious Institutions of the nature described in Section III of Act XX of 1863 in the District of South Kanara, as particularized in the subjoined statement.

Uppinangadi Taluk.

1. Shrinivasa Bhatta, son of Peraje Venkatesh Bhatta of Ramakunja village in Neranki magane. 2. Kristna Kedillaya, son of Ishwara Kedillaya of Puttur Casba. 3. Kristna Somayaji, son of Venkatesha Somayaji of Milliakantamangal village, Sullia magane.	To be the Committee for all Shivalli religious institutions comming within the scope of Sec:III Act XX of 1863 in the Taluk of Uppinangadi.
1. Krishnaiya son of Sherada Sankaiya of Kudipadi in Puttur magane. 2. Venkappaya, son of Bolavara Subraya of Kadikar village in Uppinangadi magane. 3. Iswara, son of Kaipi Venkatesha of Ubradkamithur village in Sullia magane.	To be the Committee for all Stanika religious institutions comming within the scope of Sec:III Act XX of 1863 in the Taluk of Uppinangadi.

(By Order of the Hon'ble the Governor in Council)

Sd/ J. D. Sim,
Secretary to Government.

/True Copy/

For Collector.

Subject.— W

G. P. XXII-A-19--2,026—22-5-22 (6).

FOR MEMBER

Suits (S. Kanara) Puttur Dt. Munsiff - O.S. No 580/22 —
Shivalli Temple. Jasdik Allowance - Defence Sanctioned

READ AGAIN B.P., No. _____ dated _____ 192

" " " _____, " _____ 192 .

READ ALSO :—

Register No. A 4952/21 From the _____, No. 9 dated _____ 193 .

" "_____" " "_____, "_____, "_____ 192 .

" "_____" " "_____, "_____, "_____ 192 .

RESOLUTION. M/s No. 2399, dated 2 - 12 - 1922

The Board sanctions the defence of the Suit and forwards a revised draft w.s. to be filed on behalf of Government.

28/11

29/11

To The Collr S. Kanara
with records &
a revised draft w.s.

C.P. Please make a copy of (T)
for Collr. 24 & 25

C.F. 18(a)–1914. Date of Hearing 12-12-22 Page No.

VI

A 4952/22
Suit (S. Kanara) Putter D. Munsiff O.S. 580/22 - Defence

To Secretary

The present suit has arisen out of a disputed right to receive the kasdik allowance attached to a temple in Uppinangady Taluk. The Competition is between the two klessors appointed by the rival temple Committees.

The Suit is instituted by one rival Committee & Claiming the exclusive right to receive the money allowance. The Collr's letter and the Connected records do not seem to support the monopoly Claimed. As advised by the local Govt. it seems best to leave the matter for the determination of the Court.

The W.S at p 13 is for perusal. It is for orders whether this statement may be filed in the Court or the one on the lines suggested by the local Govt. Madura and approved in G.O. 1766 d. 2. 10. 22.

It appears immaterial to Govt which party gets the allowance. It seems best therefore to leave the matter to be decided by the Civil Court. The W.S. may perhaps be altered as suggested at A above.

There appear one or two points which require consideration, that is, whether the Plaintiff can sue without a certificate

under Sec. 6 of the Pensions act. (Act XXIII of 1871). In this case, the peculiarity is that Ganu is one of the defendants. This plea may also be raised in the W.S.

23.XI.22

This plea also may be raised. for order
X

Amended W.S. is submitted as ordered by A.J.

24.XI.22

Appd. 25.XI.22

To A.J.

Draft Submitted

S. stated that you did not include this (X above) necessary

Yes, but it is pleasant to see it is not omitted

To A.J.

Please see para 3 ~~in the pens~~ new May be inserted in the revised W.S. draft-ordered

To A.J. Submitted for perusal

B

REVISED WRITTEN STATEMENT

1. From the previous history of this institution it appears to this defendant that the plaint temple is one in which all the different sects of the Hindu religion are interested and as such, one which ought to be under the control of the several Temples Committees concerned. ~~But~~ As however only the Shivalli and the Shiva Committees appear to have deemed fit to exercise jurisdiction over the temple and to appoint Moktessors for it, the Tasdik was always paid jointly to such Moktessors so long as they were in existence and their claims were brought to the notice of the Revenue Department. This defendant admits, however, that it had been sometimes disbursed to a single managing Moktessor appointed by one of the Committees when the vacancy in the other Moktessorship had not been filled up by the concerned Committee or the nomination by it had not been reported to the Revenue Department. As the Moktessors appointed by the Shiva Committees have been in existence since 1918, but as they and the 3rd Plaintiff could not come to an agreement about the disbursement of the Tasdik, this deft. had no option but to place the amount in deposit. The Collector's order referred to in para 4 of the plaint was the only one which ~~would~~ could be passed in the circumstances of the case. The defendant is, however prepared to enter the names of such trustees in the Revenue accounts as the Court finds are entitled to receive the payment of the allowce.

2 The suit is bad for non-joinder of the Moktessors nominated by the Shiva Committee as parties.

3. The Plaintiffs' suit is barred under the Pensions Act

3 The Plaintiffs' claim for the first two years'

4

Tasdik allowance is barred by the Law of Limitation.

4 5 The plaintiffs are also not entitled to the interest claimed.

5. 6 This defendant also denies all the other allegations in the plaint which are not expressly admitted herein and puts the plaintiffs to strict proof of them.

6. 7 This defendant therefore prays that the plaintiffs' suit as against him be dismissed with costs.